

OFFICIAL COPY

Fresno, California April 12, 2005

The City Council met in regular session at the hour of 8:30 a.m. in the Council Chamber, City Hall, on the day above written.

Present:	Tom Boyajian	Councilmember
	Brian Calhoun	Councilmember
	Jerry Duncan	Acting Council President
	Henry Perea	Councilmember
	Cynthia Sterling	Councilmember
	Larry Westerlund	Councilmember
	Mike Dages	Council President

Andy Souza, City Manager
Hilda Cantu Montoy, City Attorney
Becky Klisch, City Clerk
Yolanda Salazar, Assistant City Clerk

Councilmember Calhoun gave the invocation by reading a leadership prayer and President Dages led the Pledge of Allegiance.

PROCLAMATION OF PUBLIC SAFETY TELECOMMUNICATIONS WEEK

Read and presented.

PROCLAMATION OF NATIONAL CHILD ABUSE PREVENTION MONTH

Read and presented.

RECOGNITION OF COMMUNITY VOLUNTEERS - DELTA SIGMA THETA - COUNCILMEMBER STERLING

Recognition made.

PRESENTATION OF P.R.I.D.E. TEAM CERTIFICATES

Certificates of Appreciation were presented to: John Wilson of the Mayor/Council/City Manager/City Clerk Departments; Michael Lacky, Airports Department; Manuel Maytorena, Larry Wyrick and Jennie Choo, Finance Department; Clyde Lansing, Polly Parenti and Diana Thomas, Fire Department; Amanda Duarte, Janine Johnson and Abbie Hyde, Fresno Area Express; Eva Maciel and Greg Daher, General Services Department; Kathi Feller, Information Services Department; Heather Heinks, Jodi Wright and John Spigarelli, Parks, Recreation & Community Services Department; Leslie Schoener, Personnel Services Department; Belinda McMillan, Michelle Zumwalt and Su Fang, Planning & Development Department; Claudia Kidwell, Jeanine Watts, Paula Vidales and Antonio Rivera, Police Department; David Gonzales, Steve Gibson, Rosa Lau-Staggs, Gail Williams, Ollie Thompson and Patrick Weimiller, Department of Pubic Utilities; and Sarah Clark, Thomas Rounsaville, Marc Reyes and John Sudduth, Public Works Department. A reception on the second floor foyer was held immediately following the presentations to honor the employees.

RECESS - 9:08 A.M. - 9:22 A.M.

APPROVE MINUTES OF APRIL 5, 2005:

On motion of Councilmember Westerlund, seconded by Councilmember Sterling, duly carried, RESOLVED, the minutes of April 5, 2005, approved as submitted.

COUNCIL MEMBER REPORTS AND COMMENTS:

REQUEST TO STAFF TO AGGRESSIVELY MONITOR THE MONTE CRISTO RESTAURANT AT FRIANT ROAD AND FT. WASHINGTON DUE TO CUP VIOLATIONS - COUNCILMEMBER DUNCAN

Councilmember Duncan complimented Planning & Development Director Yovino for his actions, advised the restaurant owners had ignored every condition of the CUP and explained, and requested staff aggressively stay on the restaurant and added if necessary he would move to initiate proceedings to revoke the CUP.

UPDATE ON BASE REALIGNMENT AND CLOSING COMMISSION (BRACC) PROCESS - COUNCILMEMBER WESTERLUND

Councilmember Westerlund advised things were moving forward and two consultants were hired and were gathering information to submit to the decision-makers in Washington so hopefully the valley's military bases would not be closed.

CONCERN WITH LACK OF STAFF RESPONSE/ACTION TO PRIOR REQUESTS TO ADDRESS KEARNEY BOULEVARD LANDSCAPING PROBLEMS - COUNCILMEMBER STERLING

Councilmember Sterling stated several requests have gone unanswered and Kearney Boulevard continues to look like a disaster area, and advised her staff was going to take pictures to give to the appropriate departments. *After the following matter City Manager Souza advised Kearney Boulevard was scheduled for maintenance on Wednesday (April 13th) along with Golden State Boulevard and added employees were being pulled from other areas to do the maintenance work.

REQUEST TO STAFF TO SCHEDULE THE ISSUE OF DISCREPANCIES IN THE CITY'S WORKERS' COMPENSATION PROGRAM ON THE (APRIL 19TH) MAY 3RD AGENDA - COUNCILMEMBER STERLING

Councilmember Sterling advised FPOA brought this matter to her attention and requested it be scheduled on April 19th. City Manager Souza advised things were happening at the State level, there were a broad number of issues involved, and recommended the matter be scheduled for May 3rd so staff could get all the appropriate information to submit to Council for consideration in a workshop format. By Council consensus the matter was set for May 3rd at 11:00 a.m. (*At this point Mr. Souza responded to Councilmember Sterling's prior concerns on Kearney Boulevard).

GIFT TO PRESIDENT DAGES FROM THE MOSQUEDA COMMUNITY CENTER - PRESIDENT DAGES

President Dages advised funds were raised to purchase a kiln for the center and acknowledged Willie Vink for her efforts, and showed a ceramic pig with wings that was presented to him from the center as a gift because he is always saying he will support something "when pigs fly!".

APPROVE AGENDA:

(3-A) FINAL REPORT ON A MARKETING PLAN AND PACKAGE FOR THE ROEDING BUSINESS PARK - COUNCILMEMBER WESTERLUND

(2 - 0) Laid over to May 3rd by Councilmember Westerlund who stated a comprehensive package for all the areas at the park would be presented on that date.

REQUEST TO CANCEL THE MAY 24, 2005, COUNCIL MEETING - COUNCILMEMBER BOYAJIAN

Councilmember Boyajian stated he wanted the May 24th meeting cancelled due to an important convention in Las Vegas that some council members wanted to attend as it would deal with some Fresno projects and it was important that Fresno be there. A motion and second was made to cancel the May 24th meeting. City Attorney Montoy noted there was no meeting scheduled for May 31st (due to Memorial Day holiday) and suggested Council switch and meet on that date as budget hearings would be going on.

On motion of Councilmember Boyajian, seconded by Councilmember Duncan, duly carried, RESOLVED, the meeting of May 24, 2005, hereby cancelled, by the following vote:

145-127

4/12/05

Ayes : Boyajian, Calhoun, Duncan, Perea, Westerlund, Sterling, Dages
 Noes : None
 Absent : None

(1-K) AUTHORIZE THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE FRESNO COUNTY PROBATION DEPARTMENT FOR THE SERVICES OF A JUVENILE PROBATION OFFICER TO SUPERVISE WORK CREWS COMPOSED OF JUVENILES SENTENCED TO COMMUNITY SERVICE

Removed from the agenda/to be rescheduled in one week.

(2:00 P.M.) TEAM CLEAN AIR PRESENTATION - COUNCILMEMBER CALHOUN

1. AUTHORIZATION TO SUBMIT PROPOSALS AND EXECUTE CONTRACTS FOR THE SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT'S (SJVAPCD) ReMOVE GRANT PROGRAM

a. RESOLUTION - APPROVING APPLICATIONS FOR AND ACCEPTANCE OF UP TO \$483,000 IN ReMOVE II GRANT FUNDS FROM THE SJVAPCD AND AUTHORIZING EXECUTION OF DOCUMENTS

Councilmember Sterling advised she had a conflict of interest due to her owning property near one of the proposed ReMOVE projects and upon her question City Attorney Montoy advised Councilmember Sterling could be present for the Team Clean Air presentation but would have to recuse herself from the ReMOVE grant proceedings (1-a).

On motion of Councilmember Duncan, seconded by Councilmember Westerlund, duly carried, RESOLVED, the **AGENDA** hereby approved, by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
 Noes : None
 Absent : None

ADOPT CONSENT CALENDAR:

Councilmember Calhoun pulled Items 1-A and 1-H, Councilmember Boyajian pulled Items 1-E, 1-I and I-J, and Councilmember Westerlund pulled item 1-F for discussion.

(1-B) AWARD A REQUIREMENTS CONTRACT TO KERN TURF SUPPLY, INC., OF FRESNO, IN THE AMOUNT OF \$141,711.38 FOR IRRIGATION EQUIPMENT AND SUPPLIES

(1-C) REJECT ALL PROPOSALS RECEIVED FOR A REQUEST FOR PROPOSALS (RFP) TO PROVIDE SECURITY SERVICES AT THE MUNICIPAL SERVICE CENTER AND MUNICIPAL SERVICE CENTER ANNEX DUE TO INVALID PROPOSALS AND PROPOSALS THAT SUBSTANTIALLY EXCEED THE FUNDS BUDGETED FOR THIS SERVICE

(1-D) APPROVE THE ACQUISITION OF A STREET EASEMENT ON APN 458-080-52 FROM THE CENTRAL CALIFORNIA SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS AND FRESNO COUNTY HUMANE SOCIETY (SPCA) FOR THE WIDENING OF HUGHES AVENUE AND THE HUGHES AVENUE BRIDGE OVER THE HOUGHTON CANAL, AND AUTHORIZE THE PUBLIC WORKS DIRECTOR TO SIGN ALL RELEVANT DOCUMENTS ON BEHALF OF THE CITY

(1-G) RESOLUTION NO. 2005-121 - APPROVING THE FINAL MAP OF TRACT NO. 5137 AND ACCEPTING DEDICATED PUBLIC USES THEREIN, PROPERTY LOCATED ON THE EAST SIDE OF N. POLK AVENUE SOUTH OF W. GETTYSBURG IN COUNCIL DISTRICT 3

1. AUTHORIZE THE PUBLIC WORKS DIRECTOR TO EXECUTE THE SUBDIVISION AGREEMENT, THE AGREEMENT TO ADVANCE CONSIDERATION OF THE FINAL MAP, THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT FOR LANDSCAPE MAINTENANCE, AND THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT FOR TEMPORARY STORM DRAINAGE FACILITIES

2. AUTHORIZE THE PUBLIC UTILITIES DIRECTOR TO EXECUTE THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT PROVIDING FOR SPECIAL SOLID WASTE SERVICES

145-128

4/12/05

3. AUTHORIZE THE PLANNING & DEVELOPMENT DIRECTOR TO EXECUTE THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT DEFERRING CERTAIN SEWER CONNECTION CHARGES, WATER CONNECTION CHARGES, URBAN GROWTH MANAGEMENT FEES AND DEVELOPMENT FEES TO THE TIME OF ISSUANCE OF CERTIFICATE OF OCCUPANCY AND CREATION OF LIEN, AND THE STATEMENT OF COVENANTS ACKNOWLEDGING RIGHT-TO-FARM LAW

On motion of Councilmember Sterling, seconded by Councilmember Westerlund, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
Noes : None
Absent : None

CONTESTED CONSENT CALENDAR:

(1-A) RESOLUTION NO. 2005-122 - 73RD AMENDMENT TO AAR 2004-209 APPROPRIATING AN ADDITIONAL \$213,800 TO FULLY FUND THE 2004 LEASE REVENUE BONDS DEBT SERVICE PAYMENT APPROVED BY COUNCIL ON 3/30/04 AND ISSUED ON 4/28/04

Councilmember Calhoun questioned the reason for this requested appropriation with Interim City Controller Bradley and Assistant City Manager Quinto stating the timing of when certain construction projects were to be completed threw the debt service schedule off, clarified the projects did not change and the \$213K+ was not in addition to the other debt service and elaborated, and along with City Manager Souza responded to additional comments and questions and/or clarified issues relative to lessons learned and if this would not happen again, if using the increased revenues as the funding source means something planned would not happen, and the bonding process and how it works. A motion and second was made to approve staff's recommendation. Upon question of President Dages, Ms. Bradley stated approximately \$2 million in excess property and sales taxes were anticipated to be received.

On motion of Councilmember Calhoun, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled Resolution No. 2005-122 hereby adopted, by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
Noes : None
Absent : None

(1-E) APPROVE CONVERSION OF TEMPORARY USE PERMIT FOR IDA J. ROBINSON, DBA RUNWAY CAFÉ AT THE FRESNO CHANDLER EXECUTIVE AIRPORT TO A TEN YEAR LEASE

Airports Planning Manager Charmody, City Manager Souza and Deputy Airports Director Card clarified issues and responded to questions and comments of Councilmember Boyajian relative to a prior tenant who was evicted due to insufficient income with this same payment method, why a minimal rent amount -- which could be increased as business improves--was not being charged instead of the gross receipts method, and need to protect the tenant.

On motion of Councilmember Westerlund, seconded by Councilmember Sterling, duly carried, RESOLVED, the conversion of the Temporary Use Permit for Ida J. Robinson, dba Runway Café, to a ten year lease effective 1/31/05, with a privilege fee equivalent to 5% of gross receipts from the sale of food and non-alcoholic beverages in excess of \$200,000 each year and 10% of all gross receipts from the sale of beer and wine hereby approved, by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
Noes : None
Absent : None

(1-F) APPROVE A SECOND AMENDMENT TO THE AGREEMENT WITH HDR ENGINEERING, INC., FOR CONSTRUCTION ENGINEERING SERVICES FOR THE NEW POWER GENERATION FACILITY (PGF) AT THE REGIONAL WASTEWATER RECLAMATION FACILITY

145-129

4/12/05

Upon question of Councilmember Westerlund, Assistant Public Works Director Kirn explained how/why the contract doubled in price, what the City was paying for the service, if generators were currently being operated, at what point in time a new contract could be negotiated, and funding source for the amendment.

On motion of Councilmember Westerlund, seconded by Councilmember Perea, duly carried, RESOLVED, the Second Amendment to the Agreement with HDR Engineering, Inc., for \$66,718 hereby approved, and the city manager or designee authorized to sign the amendment on behalf of the City, by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
 Noes : None
 Absent : None

(1-H) APPROVE RENEWAL OF THE LEASE BETWEEN THE CITY AND COMPREHENSIVE YOUTH SERVICES (CYS)

Councilmember Calhoun spoke to the background of the issue; clarified CYS was a fine non-profit that provided a fine service to the community; stated nothing in the staff report changed his initial concerns which were the City leasing a residential home at a highly subsidized rate, other great non-profits who have to pay lease and rent payments, liability issues, and need for a level playing field; and made a motion to continue the \$1.00 annual lease for one year and for the City take back control of the home at that time and sell it, which motion died for lack of a second.

(3 - 0) Speaking in support of staff's recommendation and/or to the consequences of discontinuing the current lease arrangement were: Patty Whitmer, CYS Board Member and past-president, and Jan Schmidt, CYS Board of Directors.

Councilmember Duncan stated he agreed with Councilmember Calhoun's concerns relative to liability, he felt the City should not be in the landlord business, and CYS does a great job, and stated it would be logical to donate the home to CYS as they have improved it a lot and made a motion to donate the home to CYS. The motion was seconded by Councilmember Sterling who spoke briefly to her tour of CYS and to the great job the citizens have done with the home and more importantly for child safety. City Attorney Montoy recommended the motion be changed to direct staff to return with a resolution of findings (public purpose and benefit) to donate the home to CYS, which motion was accepted by the motion-makers. Councilmember Westerlund stated CYS was a good neighbor and upon his question Ms. Montoy clarified the motion was only direction to staff to return with documents to donate the home for Council's consideration. Councilmember Westerlund stated there was a lot to consider, he would support the motion as a full debate would occur, and noting he would still look at all issues and ramifications stated he would have supported extending the lease for another five years under its current terms. Councilmember Boyajian stated he was not prepared to consider selling or donating the property and was supportive of extending the lease.

On motion of Councilmember Duncan, seconded by Councilmember Sterling, duly carried, RESOLVED, staff directed to return with a resolution of findings (public purpose and benefits) to donate the property to CYS, by the following vote:

Ayes : Duncan, Perea, Sterling, Westerlund, Dages
 Noes : Boyajian
 Absent : None
 Abstain : Calhoun

(1-I) RESOLUTION NO. 2005-123 - 77TH AMENDMENT TO AAR 2004-209 APPROPRIATING \$782,600 FOR PAYMENT OF DEBT SERVICE ON THE 2005 SERIES LEASE REVENUE BONDS (NO NEIGHBORHOOD LEFT BEHIND) APPROVED BY COUNCIL ON 12/14/04 AND ISSUED ON 3/3/05

Councilmember Boyajian stated he thought the payment was going to come out of neighborhood project funds and questioned why the Convention Center was picking up the cost, with Assistant City Manager Quinto explaining. A motion and second was made to approve staff's recommendation. President Dages expressed concern stating Council is told on a continual basis there is no money to get their things done; noted earlier Item 1-A dealt with \$213k+ in excess funds, here was another \$782K in excess, Imagine 21 was done for \$950K, and another \$2 million in unappropriated funds was expected to come in and Council was kept in the dark about that; and stated there was plenty of money for whatever affected the administration but not for what affected Council and he would vote "no" even though it might not be the right thing to do.

On motion of Councilmember Duncan, seconded by Councilmember Perea, duly carried, RESOLVED, the above entitled

Resolution No. 2005-123 hereby adopted, by the following vote:

145-130

4/12/05

Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund
 Noes : Dages
 Absent : None

(1-J) RESOLUTION - ESTABLISHING WORKERS' COMPENSATION COVERAGE FOR VOLUNTEERS AND CRIMINAL OFFENDERS ENGAGED IN PERFORMING WORK OR SERVICE FOR THE CITY OF FRESNO

Councilmember Boyajian stated citizens/youth who volunteer their time to clean up their districts needed to be included, with Risk Manager Turner clarifying the intent to was to expand the coverage to all volunteers and not exclude any one group. A motion was made to adopt the resolution. City Manager Souza requested action be delayed one week so staff could return with the item and a better definition of "volunteer", which was accepted by the motion-maker. The new motion was seconded by President Dages. Councilmember Duncan requested the criminal offender part be removed and brought back separately as criminal offenders were not typical volunteers and he was strongly opposed to putting them under the city umbrella. Councilmember Westerlund noted there was no limiting language on being a city employee, it would not be hard for someone to look at the resolution and say they are a city employee, and stated the resolution needed to clearly state they are volunteers and there is no employer-employee relationship established beyond the workers' compensation designation. Councilmember Calhoun agreed the definition needed to be tightened up and commended staff on the issue. Councilmember Perea stated he agreed with Councilmember Duncan and would not support coverage for individuals who commit crimes.

On motion of Councilmember Boyajian, seconded by President Dages, duly carried, **RESOLVED**, staff to bring the matter back in one week with a better definition of "volunteer", by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
 Noes : None
 Absent : None

(9:00 A.M.) PUBLIC COMMENT PERIOD:

(A) SCHEDULED COMMUNICATION:

APPEARANCE BY WILLIAM MILTON REQUESTING AN ANSWER ON WHEN THE CITY WILL COMMENCE READING WATER METERS CURRENTLY INSTALLED IN SINGLE-FAMILY RESIDENTIAL HOMES

Appearance made with Public Utilities Director Weimiller advising by law meters are to be read by the year 2015 but staff's plan was to start reading them by 2013 and gave an overview of the plan.

(B) UNSCHEDULED COMMUNICATION:

Upon call, no one wished to be heard.

(10:00 A.M.) RESOLUTION NO. 2005-124 - REQUESTING THE FRESNO COUNTY BOARD OF SUPERVISORS OVERTURN FRESNO COUNTY CONDITIONAL USE PERMIT (CUP) NO. 3066 AUTHORIZING A SOLID WASTE TRANSFER STATION AT 514 N. BRAWLEY AVENUE - COUNCILMEMBER STERLING

Councilmember Sterling submitted additional written information to Council and stated this was a very serious matter and was important to the entire city but especially the west area, this was about maintaining neighborhoods' integrity, spoke to the many projects and improvements that have taken place in her district, stated a transfer station was not compatible for *any* neighborhood, Running Horse would not have taken off if the principals had known about this, **(4 - 0)** district 3 residents would not continue to be a dumping ground and advised of the number of recycling, green waste and transfer stations already in the area, stressed the station needed to be located in an industrial area, spoke to the numerous letters received from groups in opposition and emphasized federal funds for the Veteran's home could be jeopardized, and made a motion to adopt the resolution, which motion was seconded and acted upon after lengthy discussion.

145-131

4/12/05

Speaking in opposition to the transfer station and in support of the resolution were: Jack Climer, Judge Advocate for the American Legion Department of CA; George Sinopoli, Chair, California Veterans Board; Les Kimber, long-time west Fresno resident, who also advised of additional steps city staff could take and requested they do so; Chuck Parnell, President of the Central California Veterans Home Support Foundation; Danielle Capina, representing Running Horse; Robert Mitchell, area resident; and Terry Cox, nearby resident and Central Unified School Board member, who read a letter from the Board into the record.

Dirk Poeschel, 923 Van Ness, on behalf of transfer station applicant Mike Kochergen, expressed concern with the short notice stating they would have wanted the opportunity to have their experts here to address community concerns, spoke to the project stating there were many in support of it and they have worked with city staff to ensure the project is compatible, and requested Council talk with staff and the experts and added they had pages of mitigation measures.

Continued speakers in opposition to the transfer station and in support of the resolution were: Jim Tate Hill II, 105 E. Myers, Southwest Fresno/Edison Merger II Committee member; Dennis Major, area resident; Harlan Kelley, 3378 W. Kearney Boulevard; and Angie Tar, Kearney & Valentine Avenues.

Lengthy discussion continued. Councilmember Sterling spoke to the problems with the Dan Green project and to the Archie Crippen fire and the potential for a large class-action lawsuit, elaborated further on the issue and concerns, and stressed sometimes officials have to listen to the people and say "no" and urged Council's support. Councilmember Boyajian stressed a focused EIR should have been conducted to get information and know the cumulative impacts but stressed it was not done and he was tired of it and elaborated (5 - 0). Councilmember Westerlund stated he is usually reluctant to make recommendations to the Board of Supervisors but this land would eventually be part of the city and the City needed to take a position so the Board could see it, stated the federal funds for the Veteran's Home could not be jeopardized as it was desperately needed, noted there was organized opposition and the redevelopment agency did not support it yet the applicant has chosen to move forward and that was his right, and expressed his support. Councilmember Calhoun presented questions relative to staff's position on the matter, if this project was a surprise, and why opposition was just now occurring when the project has been going on and known about for over two years, with Public Utilities Director Weimiller, Planning & Development Director Yovino and Councilmember Sterling responding. Councilmember Calhoun stated in defense of the project other area projects knew about this for close to 3 years and this discussion should have taken place two or three years ago, with Councilmember Sterling further responding. President Dages stated the City had invested in land for the Veteran's Home and in the water contract for Running Horse which would be in jeopardy, and referencing the Crippen fire noted students would be located on one-half mile away and expressed his support for the resolution. Upon question of Councilmember Boyajian, Councilmember Sterling stated she would support any additions the City would like to make and City Attorney Montoy advised her office would research the issue further and advise Council of potential options from a policy perspective. Upon further question Councilmember Sterling stated she would include direction to the city attorney in her motion.

On motion of Councilmember Sterling, seconded by Councilmember Westerlund, duly carried, RESOLVED, the above entitled Resolution No. 2005-124 hereby adopted, and the city attorney directed to research the issue further and prepare a memorandum containing options and advice to the Council to be presented to the Board of Supervisors, by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
Noes : None
Absent : None

LUNCH RECESS - 12:17 P.M. - 2:04 P.M.

(2:00 P.M.) TEAM CLEAN AIR PRESENTATION - COUNCILMEMBER CALHOUN

Councilmember Calhoun gave an overview of the issue, welcomed junior and senior students from CART, the Center for Advanced Research and Technology, who among other matters were looking at the entire issue of clean air and what can be done about it, and introduced CART instructors Steve Ward and Tom Miles and recognized his staff for coordinating with the FAX and CART.

Transportation Director Rudd gave a PowerPoint presentation on "Team Clean Air Update", all as contained in his reports to

Council as submitted, and along with Councilmember Boyajian responded to questions from CART students, some of which questions and answers were not audible and/or caught on tape due to lack of the microphone **(6 - 0)**.

145-132

4/12/05

Councilmember Calhoun thanked the students, spoke to and in support of his 3-day-a-week bus riding experience and cost, thanked staff for the presentation and all they've done and stated the City was a leader due to steps that have been taken, and to the students stated the private sector would drive a lot of what happens in terms of air quality and the City could do only so much as public servants and explained. As food for thought for the students Councilmember Duncan spoke briefly to the issue of charging fees on new development and how Council has to weigh the benefit of new fees for things like air quality improvements or mass transit against the cost of homes and explained, and advised he drives a Prius and thanked the students for coming.

1. AUTHORIZATION TO SUBMIT PROPOSALS AND EXECUTE CONTRACTS FOR THE SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT'S (SJVAPCD) ReMOVE GRANT PROGRAM

a. RESOLUTION NO. 2005-125 - APPROVING APPLICATIONS FOR AND ACCEPTANCE OF UP TO \$483,000 IN ReMOVE II GRANT FUNDS FROM THE SJVAPCD AND AUTHORIZING EXECUTION OF DOCUMENTS

Councilmember Sterling recused herself from the proceedings due to a conflict of interest (owns property near a proposed grant project) and left the dais at 2:48 p.m.

Transportation Director gave a brief overview of the issue as contained in the staff report as submitted and recommended approval.

Gloria Torrez expressed concern with lack of input from the bus-riding public on the issue noting the report contained all city matters; spoke to bus fares being a hardship for some riders; stated all FAX money needed to stay with FAX; spoke to the need for improved services; and stated natural gas buses were polluters and explained.

On motion of Councilmember Duncan, seconded by Councilmember Calhoun, duly carried, **RESOLVED**, the above entitled Resolution No. 2005-125 hereby adopted, and the City Manager or designee authorized to submit ReMOVE grant proposals and execute all necessary contract documents on behalf of the City for the grant project specified in the staff report, by the following vote:

Ayes :	Boyajian, Calhoun, Duncan, Perea, Westerlund, Dages
Noes :	None
Absent :	None
Recused :	Sterling

(10:30 A.M.) JOINT MEETING WITH THE JOINT POWERS FINANCING AUTHORITY (JPFA)

The City Council recessed at 2:53 p.m. and convened in joint session with the JPFA.

(A) CONSIDER RESOLUTIONS PERTAINING TO THE SAFEKEEPING OF JPFA AND CITY FUNDS AND PROPERTY

1. JPFA RESOLUTION NO. 21 - DESIGNATING AND AUTHORIZING CERTAIN FINANCE OFFICERS OF THE CITY TO TAKE CERTAIN ACTIONS AS REQUIRED FOR THE PRUDENT FINANCIAL ADMINISTRATION AND SAFEKEEPING OF JPFA FUNDS AND PROPERTY

JPFA Member Duncan announced the item and upon call no one wished to be heard. Councilmember Calhoun briefly left the meeting at 2:54 p.m.

On motion of Member Boyajian, seconded by Member Duncan, duly carried, **RESOLVED**, the above entitled JPFA Resolution No. 21 hereby adopted, by the following vote:

Ayes :	Boyajian, Duncan
Noes :	None
Absent :	Autry

2. COUNCIL RESOLUTION NO. 2005-126 - AUTHORIZING CERTAIN FINANCE OFFICERS OF THE CITY TO SIGN CITY CHECKS AND VARIOUS INVESTMENT AND COMMERCIAL BANKING DOCUMENTS, AND PROVIDE VERBAL INSTRUCTION AS REQUIRED FOR THE PRUDENT AND FINANCIAL ADMINISTRATION AND SAFEKEEPING OF CITY FUNDS

145-133

4/12/05

President Dages announced the item and upon call no one wished to be heard.

On motion of Councilmember Duncan, seconded by Councilmember Westerlund, duly carried, RESOLVED, the above entitled Resolution No. 2005-126 hereby adopted, by the following vote:

Ayes : Boyajian, Duncan, Perea, Westerlund, Dages
 Noes : None
 Absent : Calhoun, Sterling

The joint bodies adjourned the meeting at 2:56 p.m. and the City Council reconvened in regular session. Councilmembers Calhoun and Sterling returned to the meeting.

(2-A) RESOLUTION NO. 2005-127 - AUTHORIZING AND APPROVING THE BORROWING OF FUNDS FOR FISCAL YEAR 2005-2006, THE ISSUANCE AND SALE OF 2005 TAX REVENUE ANTICIPATION NOTES (TRANs) THEREFOR, AND PARTICIPATION IN THE CALIFORNIA COMMUNITIES CASH FLOW FINANCING PROGRAM

Treasury Accountant Hardcastle gave an overview of the issue as contained in the staff report as submitted and recommended approval.

On motion of Councilmember Duncan, seconded by Councilmember Calhoun, duly carried, RESOLVED, the above entitled Resolution No. 2005-127 hereby adopted, and the City Manager, Controller and City Clerk authorized to execute the appropriate documents including the Official Statement, Note Purchase Agreement and other documents as necessary to issue the annual TRANs, by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
 Noes : None
 Absent : None

(4) CLOSED SESSION:

(A) CONFERENCE WITH LEGAL COUNSEL - DECIDING WHETHER TO INITIATE LITIGATION - CASE NAME: THE DISCOVERY CENTER

The City Council met in closed session in Room 2125 at the hour of 3:00 p.m. to consider the above matter and reconvened in regular open session at 3:35 p.m.

(3:00 P.M.) CONTINUED HEARINGS ON ELEVEN (11) REZONE APPLICATIONS:

Planning & Development Director Yovino advised the rezones were grouped in part because of pending Council direction on the Caltrans impact fee issue which was tabled 30 days last week in closed session, noted staff's position and recommendations on all items with respect to that issue was consistent with what it has been in the past, and advised Caltrans was requesting the fees on items 5 and 8 and were asking for dedications on item 9.

Assistant Public Works Director Kern spoke to what has been happening and what is being done relative to timing of

infrastructure improvements and installation of traffic signals, and responded to requests, comments and/or questions of Councilmembers Westerlund and Calhoun and President Dages relative to request to submit a report on what was just explained including the current standard for the Certificate Occupancy, if the subject rezones and recommendations were no different from what has come forth in the past, if the potential policy changes would be submitted next week and affect other projects coming in the pipeline, and why the policy changes were not being imposed on these items. Councilmember Calhoun stated he was uncomfortable with this because of Council's decision to not address the Caltrans issue noting some of the rezones were in his district, with City Attorney Montoy and Deputy City Attorney Phelan responding and clarifying not all the projects had the Caltrans issue and the ones that were of concern were the projects that triggered a traffic study and where the study identified impacts to the state highway (items 1, 5 & 8).

145-134

4/12/05

#1. CONTINUED HEARING ON HEARING ON REZONE APPLICATION NO. R-04-34 AND ENVIRONMENTAL FINDINGS, FILED BY GARY GIANNETTA ENGINEERING ON BEHALF OF GENERATION HOMES, INC., PROPERTY LOCATED ON THE NORTHEAST CORNER OF N. POLK AND W. CLINTON AVENUES IN COUNCIL DISTRICT 1

a. CONSIDER AND ADOPT E.A. NO. R-04-34/T-5300, FINDING OF CONFORMITY TO THE 2025 FRESNO GENERAL PLAN MASTER EIR NO. 10130

b. BILL NO. B-29 - ORDINANCE NO. 2005-31 - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT PROPERTY FROM RR(COUNTY) TO R-1/UGM (TO DEVELOP A 150-LOT SFR SUBDIVISION)

President Dages announced the time had arrived to consider the issue and opened the hearing. Planner Rodriguez gave an overview of the issue as contained in the staff report as submitted and recommended approval.

Robert Wood, 1368 W. Herndon, principal of Generation Homes, **(7 - 0)** spoke to the traffic study conducted and levels of service, agreed to pay any legally imposed impact fee now or in the future, stated the project was consistent, and spoke to the location of the proposed fire station.

Upon call, no one else wished to be heard and President Dages closed the hearing.

Councilmember Boyajian stated he would not support the project as there would be impacts, a focused EIR should have been conducted, and a real plan for the area was needed and elaborated.

On motion of Councilmember Duncan, seconded by Councilmember Perea, duly carried, **RESOLVED**, the environmental finding for E.A. No. R-04-34/T-5300, dated September 17, 2004, that the project proposal conforms to the provisions of the 2025 Fresno General Plan Master EIR hereby approved, and the above entitled Bill No. B-29 rezoning the subject property adopted as Ordinance No. 2005-31, by the following vote:

Ayes :	Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
Noes :	Boyajian
Absent :	None

#2. HEARING ON REZONE APPLICATION NO. R-04-35 AND ENVIRONMENTAL FINDINGS, FILED BY R.W. GREENWOOD ASSOCIATES, INC. ON BEHALF OF ED POPLIN, PROPERTY LOCATED ON THE NORTHWEST CORNER OF N. MAPLE AND E. POWER AVENUES IN COUNCIL DISTRICT 6

a. CONSIDER AND ADOPT E.A. NO. R-04-35/T-5340, FINDING OF CONFORMITY TO THE 2025 FRESNO GENERAL PLAN MASTER EIR

b. BILL NO. B-30 - ORDINANCE NO. 2005-32 - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT PROPERTY FROM E-20/UGM TO R-1/UGM (TO DEVELOP A 22-LOT SFR SUBDIVISION)

President Dages announced the time had arrived to consider the issue and opened the hearing. Planner Rodriguez gave an overview of the issue as contained in the staff report as submitted and recommended approval.

Upon call, no one wished to be heard and President Dages closed the hearing.

On motion of Councilmember Duncan, seconded by Councilmember Westerlund, duly carried, **RESOLVED**, the environmental finding for E.A. No. R-04-35/T-5340, dated December 15, 2004, that the project proposal conforms to the provisions of the 2025 Fresno General Plan Master EIR hereby approved, and the above entitled Bill No. B-30 rezoning the subject property adopted as Ordinance No. 2005-32, by the following vote:

Ayes :	Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
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Noes : None
Absent : None

#3. HEARING ON REZONE APPLICATION NO. R-04-37 AND ENVIRONMENTAL FINDINGS, FILED BY DMP LAND DEVELOPMENT COMPANY, PROPERTY LOCATED ON THE NORTH SIDE OF E. JENSEN BETWEEN S. PEACH AND S. MINNEWAWA AVENUES IN COUNCIL DISTRICT 5

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4/12/05

a. CONSIDER AND ADOPT E.A. NO. R-04-37/T-5313, FINDING OF CONFORMITY TO THE 2025 FRESNO GENERAL PLAN MASTER EIR

b. BILL NO. B-31 - ORDINANCE NO. 2005-33 - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT PROPERTY FROM AE-5/UGM TO R-1/UGM (TO DEVELOP A 78-LOT SFR SUBDIVISION)

President Dages announced the time had arrived to consider the issue and opened the hearing. Planner Salinas gave an overview of the issue as contained in the staff report as submitted and recommended approval.

Jeff Calloway, Ingles-Braun Engineering, representing the applicant, advised he was present to answer any questions.

Upon call, no one else wished to be heard and President Dages closed the hearing.

On motion of President Dages, seconded by Councilmember Westerlund, duly carried, **RESOLVED**, the environmental finding for E.A. No. R-04-37/T-5313, dated October 13, 2004, that the project proposal conforms to the provisions of the 2025 Fresno General Plan Master EIR hereby approved, and the above entitled Bill No. B-31 rezoning the subject property adopted as Ordinance No. 2005-33, by the following vote:

Ayes : Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
Noes : Boyajian
Absent : None

#4. HEARING ON REZONE APPLICATION NO. R-04-51 AND ENVIRONMENTAL FINDINGS, FILED BY YAMABE AND HORN ENGINEERING, ON BEHALF OF CENTURY DEVELOPERS, LLC, PROPERTY LOCATED ON THE SOUTHEAST CORNER OF N. POLK AND W. GETTYSBURG AVENUES IN COUNCIL DISTRICT 3

a. CONSIDER AND ADOPT E.A. NO. R-04-51/T-5325/C-04-163, FINDING OF CONFORMITY TO THE 2025 FRESNO GENERAL PLAN MASTER EIR

b. BILL NO. B-32 - ORDINANCE NO. 2005-34 -AMEND THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT PROPERTY FROM AE-5/UGM TO R-1/UGM (TO DEVELOP A 44-UNIT PLANNED DEVELOPMENT WITH PUBLIC STREETS)

President Dages announced the time had arrived to consider the issue and opened the hearing. Planner Fabino gave an overview of the issue as contained in the staff report as submitted and recommended approval.

Leonel Alvarado, President of Century Developers, advised he was available to answer any questions.

Upon call, no one else wished to be heard and President Dages closed the hearing.

Councilmember Sterling spoke in support of the project and added this was why another transfer station was not wanted in the area and made a motion to approve. Councilmember Boyajian stated his opposition due to the lack of a focused EIR for the area to see the impacts, and read a letter into the record from Aquarius Aquarium Institute stating the need to require all projects to pay their fair share for improving all nearby city and county roads and freeways they impact.

On motion of Councilmember Sterling, seconded by Councilmember Duncan, duly carried, **RESOLVED**, the environmental finding for E.A. No. R-04-51/T-5325/C-04-163, dated September 17, 2004, that the project proposal conforms to the provisions of the 2025 Fresno General Plan Master EIR hereby approved, and the above entitled Bill No. B-32 rezoning the subject property adopted as Ordinance No. 2005-34, by the following vote:

Ayes : Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
Noes : Boyajian
Absent : None

#5. HEARING ON REZONE APPLICATION NO. R-04-54 AND ENVIRONMENTAL FINDINGS, FILED BY LENNAR HOMES FRESNO, PROPERTY LOCATED ON THE WEST SIDE OF N. BRYAN BETWEEN W. SHAW AND W. GETTYSBURG AVENUES IN COUNCIL DISTRICT 2

145-136

4/12/05

a. CONSIDER AND ADOPT E.A. NO. R-04-55/T-5352, FINDING OF CONFORMITY TO THE 2025 FRESNO GENERAL PLAN MASTER EIR

b. BILL NO. B-33 - ORDINANCE NO. 2005-35 -AMEND THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT PROPERTY FROM RR (COUNTY) TO R-1/UGM (TO DEVELOP A 121-LOT SFR SUBDIVISION)

President Dages announced the time had arrived to consider the issue and opened the hearing. Planner Chamberlain gave an overview of the issue as contained in the staff report as submitted and recommended approval.

Ron Wathen, Engineer, Quad Knopf, 8405 N. Fresno Street, representing applicant Centex Homes (who purchased the property from Lennar) stated he was in agreement with staff's recommendation.

Upon call, no one else wished to be heard and President Dages closed the hearing.

Councilmember Calhoun spoke to Caltrans' contention that the project should pay \$37,203 to mitigate impacts and to staff not recommending that that money be segregated or charged back, stated the issue was a legitimate one and he was very unhappy that Council postponed action on the matter for one month, clarified he had nothing against this project but he was now forced to deal with the issue, and stated the options as he saw it were to ask the developer to place the requested fee amount in a segregated account so it can be paid to Caltrans when the study is completed or delay the matter one month until Council takes action on the fee issue otherwise he would have to oppose the project. City Attorney Montoy clarified issues relative to the General Plan Master EIR and statement of overriding considerations, read specific language from the general plan relative to traffic studies, and spoke to staff's recommendation and the conditions that would have to be met by Caltrans as well and read it into the record and advised this would apply to item #8 also. Councilmember Calhoun reiterated the developer could either agree to postpone action on this matter for one month or agree to the conditions or he would oppose the project. Councilmember Westerlund clarified Council's action last week in closed session to table the matter 30 days was not to duck the question but was to study the question and look at it in more detail, and questioned if issues this date would have been resolved had Council taken action last week, with Ms. Montoy responding and stating it was Council's prerogative on whether to follow staff's recommended language and pursue the condition in the interim.

On motion of Councilmember Duncan, seconded by Councilmember Westerlund, duly carried, **RESOLVED**, the environmental finding for E.A. No. R-04-54/T-5352, dated January 27, 2005, that the project proposal conforms to the provisions of the 2025 Fresno General Plan Master EIR hereby approved, and the above entitled Bill No. B-33 rezoning the subject property adopted as Ordinance No. 2005-35, by the following vote:

Ayes : Duncan, Perea, Sterling, Westerlund, Dages
Noes : Boyajian, Calhoun
Absent : None

#6. HEARING ON REZONE APPLICATION NO. R-04-57 AND ENVIRONMENTAL FINDINGS, FILED BY INGLES-BRAUN AND ASSOCIATES, ON BEHALF OF LANDCASTLE REAL ESTATE, PROPERTY LOCATED ON THE SOUTHEAST CORNER OF S. PEACH AND E. GROVE AVENUES IN COUNCIL DISTRICT 5

a. CONSIDER AND ADOPT E.A. NO. R-04-57/T-5374, FINDING OF CONFORMITY TO THE 2025 FRESNO GENERAL PLAN MASTER EIR

b. BILL NO. B-34 - ORDINANCE NO. 2005-36 -AMEND THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT PROPERTY FROM AE-5/UGM TO R-1/UGM (TO DEVELOP A 93-LOT SFR SUBDIVISION)

President Dages announced the time had arrived to consider the issue and opened the hearing. Planner Marple gave an overview of the issue as contained in the staff report as submitted and recommended approval.

Jeff Calloway, Ingles-Braun Engineering, representing the applicant, thanked staff and urged Council's approval.

Upon call, no one else wished to be heard and President Dages closed the hearing.

President Dages spoke in support and made a motion to approve. Councilmember Boyajian stated although he did not approve the environmental finding and a traffic study should have been conducted he would support the project as it was in an area that had not had any development for a long time.

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On motion of President Dages, seconded by Councilmember Westerlund, duly carried, RESOLVED, the environmental finding for E.A. No. R-04-57/T-5374, dated November 3, 2004, that the project proposal conforms to the provisions of the 2025 Fresno General Plan Master EIR hereby approved, and the above entitled Bill No. B-34 rezoning the subject property adopted as Ordinance No. 2005-36, by the following vote:

Ayes :	Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
Noes :	None
Absent :	None

#7. HEARING ON REZONE APPLICATION NO. R-04-61 AND ENVIRONMENTAL FINDINGS, FILED BY HARBISON INTERNATIONAL, INC., ON BEHALF OF PEM PROPERTIES, LLP, PROPERTY LOCATED ON THE SOUTHEAST CORNER OF THE W. GETTYSBURG AND N. BARCUS AVENUE ALIGNMENTS, WEST OF N. CORNELIA IN COUNCIL DISTRICT 2

a. CONSIDER AND ADOPT E.A. NO. R-04-61/T-5379, FINDING OF CONFORMITY TO THE 2025 FRESNO GENERAL PLAN MASTER EIR

b. BILL NO. B-35 - ORDINANCE NO. 2005-37 -AMEND THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT PROPERTY FROM AE-5/UGM TO R-1/UGM (TO DEVELOP A 20-LOT SFR SUBDIVISION)

President Dages announced the time had arrived to consider the issue and opened the hearing. Planner Fabino gave an overview of the issue as contained in the staff report as submitted and recommended approval.

Upon call, no one wished to be heard and President Dages closed the hearing.

A motion and second was made to approve staff's recommendation. Councilmember Boyajian spoke in opposition stating there would be impacts, a focused EIR should have been conducted, and developer contributions and a plan for the area was needed.

On motion of Councilmember Calhoun, seconded by Councilmember Westerlund, duly carried, RESOLVED, the environmental finding for E.A. No. R-04-61/T-5379, dated January 27, 2005, that the project proposal conforms to the provisions of the 2025 Fresno General Plan Master EIR hereby approved, and the above entitled Bill No. B-35 rezoning the subject property adopted as Ordinance No. 2005-37, by the following vote:

Ayes :	Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
Noes :	Boyajian
Absent :	None

#8. HEARING ON REZONE APPLICATION NO. R-04-65 AND ENVIRONMENTAL FINDINGS, FILED BY GARY GIANNETTA ENGINEERING, ON BEHALF OF CIAO PROPERTIES, PROPERTY LOCATED ON THE SOUTH SIDE OF W. BULLARD WEST OF THE INTERSECTION OF N. GRANTLAND AND W. BULLARD AVENUES IN COUNCIL DISTRICT 2

a. CONSIDER AND ADOPT E.A. NO. R-04-65/T-5338, FINDING OF CONFORMITY TO THE 2025 FRESNO GENERAL PLAN MASTER EIR

b. BILL NO. B-36 - ORDINANCE NO. 2005-38 - AMEND THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT PROPERTY FROM RR (COUNTY) TO R-1/UGM (TO DEVELOP A 123-LOT SFR SUBDIVISION)

President Dages announced the time had arrived to consider the issue and opened the hearing. Planner Fabino gave an overview of the issue as contained in the staff report as submitted and recommended approval.

Speaking to the issue were: Bob McCaffrey, representing the applicant and the other two property owners in the map, who stated although he agreed with the fee amount he disagreed that it was a "Caltrans fee" and explained, and voluntarily agreed to pay the \$56,700 towards the Veterans Drive interchange and overcrossing; and **(8 - 0)** Tom Lang, 5541 Columbia Drive North, Executive Director of the Aquarius Aquarium Institute, who spoke to the need for developers to pay their fair share of impact fees, submitted written material for the record, a copy of which is on file in the office of the city clerk, and questioned why the city requires impact fees from a non-profit public benefit organization in the county and does not require the same fees from large for-profit housing developers who have the ability to recoup the costs from home sales. Traffic Engineering Manager Benavides responded and clarified fee requirements, and Planning & Development Director Yovino clarified the Aquarium's driveway was in the city's sphere but not the property.

Upon call, no one else wished to be heard and President Dages closed the hearing.

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Councilmember Calhoun advised there had been a lot of communication and information-exchange on this issue and thanked staff for being very responsive; stated he sincerely appreciated Mr. McCaffrey's offer and questioned if the funds would go into an account and if tying the fee to a specific road was legal, with City Attorney and Assistant Public Works Director Kirn responding affirmatively. A motion and second was made to approve staff's recommendation including Mr. McCaffrey's offer.

Councilmember Boyajian spoke to the need for developers to fully complete roads and not just portions of roads and to pay for impacts and elaborated expressing his strong concern.

On motion of Councilmember Calhoun, seconded by Councilmember Duncan, duly carried, RESOLVED, the environmental finding for E.A. No. R-04-65/T-5338/UGM, dated January 27, 2005, that the project proposal conforms to the provisions of the 2025 Fresno General Plan Master EIR hereby approved, and the above entitled Bill No. B-36 rezoning the subject property adopted as Ordinance No. 2005-38, by the following vote:

Ayes :	Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
Noes :	Boyajian
Absent :	None

#9. HEARING ON REZONE APPLICATION NO. R-04-77 AND ENVIRONMENTAL FINDINGS, FILED BY YAMABE AND HORN ENGINEERING, INC., ON BEHALF OF CAMBRIDGE & LENNAR HOMES, PROPERTY LOCATED ON THE SOUTH SIDE OF E. KINGS CANYON ROAD BETWEEN S. ARMSTRONG AND S. TEMPERANCE AVENUES IN COUNCIL DISTRICT 5
a. CONSIDER AND ADOPT E.A. NO. R-04-77/T-5283, FINDING OF CONFORMITY TO THE 2025 FRESNO GENERAL PLAN MASTER EIR
b. BILL NO. B-37 - ORDINANCE NO. 2005-39 -AMEND THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT PROPERTY FROM AE-20/UGM TO R-1/UGM (TO DEVELOP A 93-LOT SFR SUBDIVISION)

President Dages announced the time had arrived to consider the issue and opened the hearing. Planner Bernal gave an overview of the issue as contained in the staff report as submitted and recommended approval.

Brandon Boussard, Yamabe and Horn Engineering, 1300 E. Shaw, representing Cambridge Homes, stated he supported staff's recommendation and was available for questions.

Upon call, no one else wished to be heard and President Dages closed the hearing.

On motion of President Dages, seconded by Councilmember Duncan, duly carried, RESOLVED, the environmental finding for E.A. No. R-04-77/T-5283, dated November 23, 2004, that the project proposal conforms to the provisions of the 2025 Fresno General Plan Master EIR hereby approved, and the above entitled Bill No. B-37 rezoning the subject property adopted as Ordinance No. 2005-39, by the following vote:

Ayes :	Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
Noes :	Boyajian
Absent :	None

#10. HEARING ON REZONE APPLICATION NO. R-04-96 AND ENVIRONMENTAL FINDINGS, FILED BY BLAIR, CHURCH &

FLYNN CONSULTING ENGINEERS, PROPERTY LOCATED ON THE WEST SIDE OF N. FOWLER BETWEEN E. BELMONT AND E. MCKENZIE AVENUES IN COUNCIL DISTRICT 5

a. CONSIDER AND ADOPT E.A. NO. R-04-96/TPM 2004-34, FINDING OF CONFORMITY TO THE 2025 FRESNO GENERAL PLAN MASTER EIR

b. **BILL NO. B-38 - ORDINANCE NO. 2005-40** -AMEND THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT PROPERTY FROM R-2-A/UGM TO R-1/UGM (TO DEVELOP A 93-LOT SFR SUBDIVISION)

President Dages announced the time had arrived to consider the issue and opened the hearing. Planner Rodriguez gave an overview of the issue as contained in the staff report as submitted and recommended approval.

Vaughn Melcher, Blair, Church & Flynn, 451 Clovis Avenue, Clovis, stated he was in agreement with staff's report.

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Upon call, no one else wished to be heard and President Dages closed the hearing.

President Dages stated although he had not met with the applicant or anyone else concerning this project just the idea of rezoning the property from R-2 to R-1 was a positive and made a motion to approve.

On motion of President Dages, seconded by Councilmember Sterling, duly carried, RESOLVED, the environmental finding for E.A. No. R-04-96/TPM No. 2004-34, dated February 25, 2005, that the project proposal conforms to the provisions of the 2025 Fresno General Plan Master EIR hereby approved, and the above entitled Bill No. B-38 rezoning the subject property adopted as Ordinance No. 2005-40, by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
Noes : None
Absent : None

#11. HEARING ON REZONE APPLICATION NO. R-04-04 AND ENVIRONMENTAL FINDINGS, FILED BY LZR, INC., AND TOSHIKO M. HATA, PROPERTY LOCATED ON THE WEST SIDE OF N. POLK BETWEEN W. MCKINLEY AND W. CLINTON AVENUES IN COUNCIL DISTRICT 3

a. CONSIDER AND ADOPT E.A. NO. R-04-04/T-5251, FINDING OF CONFORMITY TO THE 2025 FRESNO GENERAL PLAN MASTER EIR

b. **BILL NO. B-39 - ORDINANCE NO. 2005-41** - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT PROPERTY FROM R-R (COUNTY) TO R-1/UGM

President Dages announced the time had arrived to consider the issue and opened the hearing. Planner Brock gave an overview of the issue as contained in the staff report as submitted and recommended approval.

Ron Wathen, Quad Knopf, 8405 N. Fresno Street, representing the applicant, thanked staff and stated he was in agreement with the conditions.

Upon call, no one else wished to be heard and President Dages closed the hearing.

On motion of Councilmember Sterling, seconded by Councilmember Duncan, duly carried, RESOLVED, the finding of conformity for E.A. No. T-5251/R-04-04 dated February 25, 205, that the project proposal conforms to the provisions of the 2025 Fresno General Plan Master EIR hereby approved, and the above entitled Bill No. B-39 rezoning the subject property adopted as Ordinance No. 2005-41, by the following vote:

Ayes : Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
Noes : Boyajian
Absent : None

ADJOURNMENT

There being no further business to bring before the City Council, the hour of 5:13 p.m. having arrived and hearing no objections, President Dages declared the meeting adjourned.

APPROVED on the ____ 19TH ____ day of April, 2005.

_____/s/_____
Mike Dages, Council President

ATTEST:_____/s/_____
Yolanda Salazar, Assistant City Clerk